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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Miller and Scribner**
Application No.: **10/790941**
Filed: **March 1, 2004**
For: **AUTOMATED MARKERBAND NEST PLACEMENT
CRIMPER**
Group Art Unit: **3723**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2B-10812-US01

TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this 1 page transmittal letter, we are submitting the attached:
4 page Information Disclosure Statement; 2 page form listing cited references; copy of 1 reference and Postcard.
2. With respect to fees:
☒ No additional fee is required.
☐ Attached is check(s) in the amount of \$
☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June 14, 2004

By: Brendan Babcock
Brendan C. Babcock
Registration No.: 50705

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Telephone: (952) 563-3000
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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop Amendment, Commissioner for Patent, P.Q. Box 1450, Alexandria, VA 22313-1450, on June 14, 2004.

Rebecca M. Painschab
Rebecca M. Painschab



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INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

 X I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

 II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- _____ (1) a certification as specified in §1.97(e) is completed below; and
_____ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

_____ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

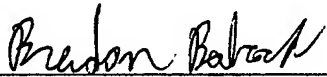
For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

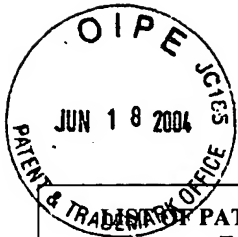
Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June 14, 2004

By: 
Brendan C. Babcock
Registration No.: 50705

6109 Blue Circle Drive, Suite 2000
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Facsimile: (952) 563-3001
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DISCLOSURE OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY DOCKET NO.: S63.2B-10812-US01	APPLICATION NO.: 10/790941
	APPLICANT: Miller and Scribner	
	FILING DATE: March 1, 2004	GROUP: 3723

REFERENCE DESIGNATION			U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.	AA	DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,733,665	3/29/88	Palmaz	128/343	
	AB	4,740,207	4/26/88	Kreamer	623/1	
	AC	4,944,071	7/31/90	Marzoli et al.	19/80 R	
	AD	5,007,926	4/16/91	Derbyshire	623/1	
	AE	5,138,864	8/18/92	Tarpill	72/410	
	AF	5,692,294	12/2/97	Casey	29/753	
	AG	5,723,004	3/3/98	Dereume et al.	623/1	
	AH	5,725,519	3/10/98	Penner et al.	606/1	
	AI	5,755,735	5/26/98	Richter et al.	606/194	
	AJ	5,810,873	9/22/98	Morales	606/198	
	AK	5,836,952	11/17/98	Davis et al.	606/108	
	AL	5,893,852	4/13/99	Morales	606/108	

FOREIGN PATENT DOCUMENTS				
AA	BB	DOCUMENT NUMBER	DATE	COUNTRY
	BA			
	BB			
	BC			
	BD			
	BE			

OTHER ART (Including Author, Title, Date, Pertinent Pages, Ect.)		
CA	CB	Palmaz et al., "Expnadable Intraluminal Graft: A Preliminary Study", <i>Radiology</i> , Volume 156, Number1, pp. 73-77 (July/1985)
CC		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			ATTY DOCKET NO.: S63.2B-10812-US01		APPLICATION NO.: 10/790941	
			APPLICANT: Miller and Scribner			
			FILING DATE: March 1, 2004		GROUP: 3723	
REFERENCE DESIGNATION			U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,920,975	7/13/99	Moales	29/282	
	AB	5,974,652	11/2/99	Kimes et al.	29/516	
	AC	5,922,000	11/30/99	Humphrey et al.	29/516	
	AD	6,063,102	5/16/00	Morales	606/198	
	AE	6,082,990	7/4/00	Jackson et al.	425/517	
	AF	6,108,886	8/29/00	Kimes et al.	29/280	
	AG	6,125,523	11/3/00	Brown et al.	29/516	
	AH	6,141,855	11/7/00	Morales	29/516	
	AI	6,149,680	11/21/00	Shelso et al.	623/1.11	
	AJ	6,167,605	1/2/01	Morales	29/282	
	AK	6,277,110	8/21/01	Morales	606/1	
	AL	6,352,547	3/5/02	Brown et al.	606/198	
	AM	6,360,577	3/26/02	Austin	72/402	
	AN	6,387,117	5/14/02	Arnold, Jr. et al.	623/1.1	
	AO	6,481,262	11/19/02	Ching et al.	72/416	
	AP	6,510,722	1/28/03	Ching et al.	72/402	
	AQ	6,568,235	5/27/03	Kokish	72/402	
	AR	6,569,192	5/27/03	Foreman et al.	623/1.11	
	AS	6,629,350	10/7/03	Motsenbocker	29/283.5	
	AT	6,640,412	11/4/03	Iancea	29/505	
	AU	6,651,478	11/25/03	Kokish	72/402	
	AV	2002/0138966 A1	10/3/02	Motsenbocker	29/516	
	AW	2002/0161426 A1	10/31/02	Iancea	623/1.11	
	AX	2003/0056360 A1	3/27/03	Brown et al.	29/516	
	AY	2003/0150250 A1	8/14/03	Shortt	72/235	
	AZ	2003/0192164 A1	10/16/03	Austin	29/505	
EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						